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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/695,613

10/28/2003

Lillian R. Paolino

P/113-14

6303

7590

03/06/2006

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EXAMINER

DANG, HUNG XUAN

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/695,613

Applicant(s)

PAOLINO, LILLIAN R.

Examiner

Hung X. Dang

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 2/14/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 and 16-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. The amendment filed on 2/4/06 has been entered.

### **Claims Rejection Under 35 USC - 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 13 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Wilhelmi** (4,986,650).

Wilhelmi discloses sunglasses comprises solid frames 12 having a pair of lenses; said frames 12 consisting of a one piece solid molded frame; said frames 12 having a nose bridge 14 which fits on top of a users nose; said frames 12 secured around a user's head by a single band 16; said band 16 secured to said frames by two securing pieces (see at least figures 1,3, column 3, lines 45-65 and the related disclosure.)

### **Claims Rejection Under 35 USC – 102**

3. Claim 13 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Beames** (D 466,543).

Beames discloses sunglasses comprises solid frames having a pair of lenses; said frames consisting of a one piece solid molded frame; said frames having a nose bridge which fits on top of a users nose; said frames secured around a user's head by a

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single band; said band secured to said frames by two securing pieces (see at least figures 1,2,4 and 5.)

### Claims Rejection Under 35 USC – 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Beames** (D 466,543) in view of **Hoff** (5,406,340).

Beames discloses sunglasses comprises solid frames having a pair of lenses; said frames consisting of a one piece solid molded frame; said frames having a nose bridge which fits on top of a users nose; said frames secured around a user's head by a single band; said band secured to said frames by two securing pieces (see at least figures 1,2,4 and 5.)

Beames does not explicitly state that the Velcro is used for both securing pieces; and wherein said band can be totally removed from said frames and replaced with other similar bands.

Hoff, however, discloses the Velcro is used for both securing pieces; and wherein said band can be totally removed from said frames and replaced with other similar bands.

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Because Beames and Hoff are both from the same field of endeavor, the purpose of using the Velcro for securing the bands to the frame so that the bands can be adjusted and/or replaced with other similar bands as disclosed by Hoff would have been recognized as an art pertinent art of Beames.

It would have been obvious, therefore, at the time the invention was made to a person having skill in the art to construct the eyeglasses frame, such as the one disclosed by Beames, with the Velcro is used for both securing pieces; and wherein said band can be totally removed from said frames and replaced with other similar bands, such as disclosed by Hoff for the purpose of the purpose of using the Velcro for securing the bands to the frame so that the bands can be adjusted and/or replaced with other similar bands.

5. Any inquiry concerning this communication should be directed to Examiner Dang at telephone number (571) 272-2326.

2/06



HUNG DANG

PRIMARY EXAMINER

TC 2800